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**MORTON INTERNATIONAL, INC
100 INDEPENDENCE MALL WEST
PHILADELPHIA PA 19106-2399**

Paper No. 27 COPY MAILED

OCT 21 2005

In re Application of :
Tod C. DUVAL :
Application No. 09/098,758 :
Filed: June 17, 1998 :
Attorney Docket No. 2543-28-93 :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed March 25, 2004, and resubmitted October 14, 2005, requesting withdrawal of the Notice of Abandonment mailed November 18, 2002.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.181 must be filed within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of this 2-month time limit can be granted under 37 CFR 1.136(a) or (b).

Petitioner asserts the Notice of Abandonment mailed November 18, 2003 be withdrawn as petitioner never received either the non-final Office action mailed March 29, 2002 or the Notice of Abandonment mailed November 18, 2002.

A grantable petition to withdraw holding of abandonment under 37 CFR 1.181 based on failure to receive an Office action requires: (1) a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and (2) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed. This petition lacks item (2).

The above-identified application was filed on or after June 8, 1995 but before May 29, 2000, therefore a terminal disclaimer is not required as a condition of granting an untimely petition to withdraw holding of abandonment. Accordingly, the terminal disclaimer fee of \$110 will not be charged to petitioner's Deposit Account.

Application No. 09/098,758

The correspondence address of record has been changed to that of Morton International, Inc.

Any renewed petition may be addressed as follows:

By Mail: Mail Stop PETITION
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By hand: U. S. Patent and Trademark Office
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 Randolph Building
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By fax: (571) 273-8300
 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence, the undersigned at (571) 272-3217.



Brian Hearn
Petitions Examiner
Office of Petitions